

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STEWART MARTIN,

Plaintiff,

-against-

NEW YORK CITY TRANSIT
AUTHORITY, et al.,

Defendants.

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18-CV-9688 (ALC) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

For the reasons stated on the record during the April 28, 2020 telephonic conference, it is hereby ORDERED that:

1. No later than **May 1, 2020**, defendant New York City Transit Authority shall file a letter, explaining its failure to appear at the April 28, 2020, telephonic conference.
2. The deadlines set forth in the Initial Case Management Order dated December 17, 2019 (Dkt. No. 22), as modified by the Court's Order dated March 17, 2020 (Dkt. No. 27), are further EXTENDED as follows:
 - a. Initial Disclosures. Amtrak shall serve the disclosures required by Fed. R. Civ. P. 26(a)(1), to the extent not already served, no later than **May 12, 2020**.
 - b. Depositions. All depositions shall be completed no later than **August 3, 2020**.
 - c. Fact Discovery. All remaining fact discovery shall be completed no later than **August 31, 2020**.
 - d. Expert Discovery. Plaintiff shall appear for examination by a physician of defendants' choice no later than **September 18, 2020**. Defendants shall designate their examining physician, and disclose that physician's availability in September 2020, no later than **August 28, 2020**. Disclosure of expert evidence, including the identities and written reports of experts, as required by Fed. R. Civ. P. 26(a)(2)(A), (B), or (C), shall be made no later than **October 30, 2020**. The disclosure of expert evidence intended solely to contradict or rebut expert evidence on the same subject matter disclosed by the opposing party shall be made no later than **November 20, 2020**. Depositions of experts shall be completed no later than **December 18, 2020**.
 - e. Close of Discovery. All discovery must be completed no later than **December 18, 2020**.

- f. Status Conference. Judge Moses will conduct a status conference on **June 17, 2020, at 11:30 a.m.** One week prior to that date, on **June 10, 2020**, the parties shall submit a joint status letter outlining the progress of discovery to date, as well as any settlement efforts.
3. Compliance with Court Orders. The parties are reminded that this Court's Orders are orders, not suggestions. By Order dated December 17, 2019 (Dkt. No. 22), at ¶ 9, the Court directed the parties to submit a "joint status letter" in advance of the April 28, 2020 conference. Instead, plaintiff submitted one letter (Dkt. No. 30) and defendant National Railroad Passenger Corporation d/b/a **Amtrak** submitted another (Dkt. No. 31). It was not clear which of these letters (if any) reflected the views of the other two defendants. The parties are advised that should they again submit individual letters when a joint letter is required, they will be stricken.

PLEASE BE AWARE THAT, FOR THE DURATION OF THE COVID-19 NATIONAL EMERGENCY, UNLESS OTHERWISE ORDERED BY THE COURT:

Conferences and Hearings. All court conferences and hearings will be conducted by teleconference. Please treat the teleconference as you would treat a public court appearance.

Remote Depositions. Pursuant to Fed. R. Civ. P. 30(b)(3) and (b)(4), all depositions in this action may be taken via telephone, videoconference, or other remote means, and may be recorded by any reliable audio or audiovisual means. This Order does not dispense with the requirements set forth in Fed. R. Civ. P. 30(b)(5), including the requirement that, unless the parties stipulate otherwise, the deposition be "conducted before an officer appointed or designated under Rule 28," and that the deponent be placed under oath by that officer. For avoidance of doubt, a deposition will be deemed to have been conducted "before" an officer so long as that officer attends the deposition via the same remote means (e.g., telephone conference call or video conference) used to connect all other remote participants, and so long as all participants (including the officer) can clearly hear and be heard by all other participants.

Dated: New York, New York
April 29, 2020

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge